

The Brattleboro Reformer

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BRATTLEBORO, VERMONT, SATURDAY EVENING, OCTOBER 25, 1913.

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WORKING NEAR FATAL CHAMBER

Rescuers Will Be Within Few
Feet of Jammed Door
This Evening

THAT 200 MINERS WILL BE FOUND DEAD

Is the Unanimous Opinion of All Who
Are Engaged in the Rescue Work—
Two More Miners Lost Lives Yes-
terday Trying to Help Others.

DAWSON, New Mexico, Oct. 25.—The rescue crew today succeeded in working their way well toward the fatal 18th chamber, where over 200 miners are entombed in the Stag Canon mine. Before nightfall it is expected that they will be within a few feet of the jammed door, behind which a large number are expected to be found. That the men will all be found dead is the unanimous opinion of those who are engaged in the rescue work.

Fifty-four bodies had been recovered last night, two deaths having been added to the mine total, and government experts in charge of the work of rescue conceded that 200 bodies are still within the gas-filled chambers. Thirty-six bodies have already been buried, a union service for all taking place late yesterday.

The two deaths added to the list yesterday were those of rescue men, James Lurid and William Poist. The men were members of a rescue squad which entered the mine in the early morning. They did not return and it was only after the experts of the United States rescue car had searched six hours that the bodies were found. At the news of the added deaths the men who had been doing the rescue work refused to go back into the mine, but their places were taken by men from the rescue car which had been rushed from the Kansas coal fields. The rescue work is going forward slowly under the leadership of J. C. Roberts.

HOPE TO CONTINUE DAY NURSERY WORK

Room at Mutual Aid Given Up Because
Association Needed It — Sufficient
Funds for Present Needs.

The temporary discontinuance of the day nursery, which has been conducted with such success in the headquarters of the Brattleboro Mutual Aid association on Canal street, is not due to lack of funds, but because the association has need of the room which the nursery has occupied. Those who are interested in this work, which has proven of great benefit to many mothers who are obliged to earn their living, hope to be able to find quarters in which the nursery can be continued at an early date, as the money in the treasury is sufficient for its support for some time to come. Miss Sargent, who has had charge of the nursery, is caring for some of the children at her home in West Brattleboro. The nursery has cared for 29 children.

NEW LONDON TRAIN TO CHANGE MONDAY

Will Leave Hereafter at 4 O'clock In-
stead of 4:35 — Will Wait 35
Minutes at South Vernon.

An important change in the running time of one train on the Central Vermont railroad is announced to become effective Monday. The train that has heretofore left Brattleboro for New London every afternoon at 4:25, will leave, on and after Monday, at 4 o'clock. It will leave Vernon at 4:10 and reach South Vernon at 4:20, leaving that junction at 4:35.

THE WEATHER.

Rain and Colder Tonight; Sunday, Prob-
ably Fair and Colder.

WASHINGTON, Oct. 25.—The weather forecast: Rain and colder to night; Sunday, probably fair and colder. Moderate south winds shifting to the north.

Miss Grace Sheldon of Buffalo, N. Y., has made a visit to Onondaga Valley for the purpose of seeing a school there which was founded 100 years ago by her great-grandfather, Rev. Caleb Alexander.

HAS RIGHT TO EXPUL PUPIL

Decision Given in Case from
the Town of Shelburne,
Mass.

BOY WAS DROPPED FOR DEFICIENCY

Was Awarded \$325 in the Superior
Court, but Supreme Court Reversed
This Decision—Given Opportunity to
Attend Another School.

BOSTON, Oct. 25.—School committees may lawfully expel a pupil for deficiency in studies, according to a decision rendered by the supreme court in the case of Clifton F. Barnard, who sought to recover damages from the town of Shelburne in Franklin county for expulsion from school. The supreme court reversed the decision of the superior court, which had awarded Barnard \$325. The evidence showed that the pupil was given an opportunity of continuing his studies in another school to enable him to reach the required standard of scholarship.

FRANKLIN D. HEALD ELECTED PRESIDENT

Former Brattleboro Boy at Head of
Hampshire County Teachers' As-
sociation—High School Principal.

Franklin D. Heald, principal of the high school in South Hadley, Mass., was elected president of the Hampshire County Teachers' association at the annual meeting in Northampton yesterday. Mr. Heald is a graduate of the Brattleboro high school class of 1891, and Dartmouth college. He studied at the academy in Jacksonville and taught in Walpole and other places before going to South Hadley.

WILMINGTON TYPHOID VICTIM

P. O'Connor Never Regained Con-
sciousness After Reaching Hospital

NORTH ADAMS, Oct. 25.—Patrick O'Connor, 38, died yesterday morning in the North Adams hospital. The man was taken to the hospital Thursday night in an unconscious condition. It was at first supposed that he was injured, but an examination failed to reveal any injuries. An autopsy in Wilmington revealed the fact that he had been ill for a week. He died with two sons. The Deerfield Lumber company has taken charge of the funeral arrangements.

FOR SALE—Furniture and Ranges, new and second-hand at J. B. Dutton's.

FOR SALE—Wood, Stove lengths, C. V. Grant, Tel. 332-R, 24 Canal St. 195-1f

FOR SALE—15 acclimated horses, ranging from 1,200 to 1,600. E. A. Lar-
row. 193-1f

FOR SALE—A fine strain of young
Tom turkeys. Healthy and handsome.
T. W. Childs. 198-1f

FOR SALE—Sweet cider at my mill,
by the barrel six cents per gallon; also
new liquor barrels. L. P. Copeland,
West Brattleboro. 196-1f

FOR SALE—Sewing machine. With
over leaving town will sell late im-
proved sewing machine cheap. Address
"A. T.," Reformer Office. 199-201-1f

FOR SALE—Stove wood, strictly
dry, mostly good hard body wood \$5.50
to \$8.00 per cord, delivered. H. C.
Walbridge, Rural 3, Brattleboro, Vt.
193-1f

FOR SALE—Or exchange for other
desirable property—30 h.p. Edison
steam engine and boiler in good con-
dition. Nelson O. Maynard, Hinsdale,
N. H. 201-1f

FOR SALE—Square piano slightly
out of tune, otherwise in good con-
dition. Am leaving town and will sell
at a sacrifice for cash if taken be-
fore Nov. 1. Mrs. Wm. R. Gagnier,
Cor. William and Crosby Sts. 197-1f

FOR SALE—Dump Carts, one and
two-horse; backs, grocery wagons, cov-
ered bakery sleighs, heavy trucks, farm-
ing tools, rubber and asbestos roofing,
woven wire fence, barbed wire, second-
hand doors and windows and frames,
heavy building timbers. Charles Miner,
196-201

FOR SALE—To rent or lease house
and barn, with few acres of land, in
or near West Brattleboro. Address H.
P., Reformer office. 193-1f

WANTED—Position as engineer,
Stationary. Three years experience.
Best of reference. H. J. Atkins, 57
Water St., Keene, N. H. 197-192-1f

WANTED—We are ready to contract
for delivery during 1913 for the follow-
ing lumber: Oak, Yellow Birch, Bass-
wood and Poplar. The Carpenter Com-
pany. 198-204

WANTED—Salesman, traveling; salary
and expenses or commission. Must be
active, ambitious, energetic; splendid
opportunity; former experience not
essential. Landmark Cigar Co., Den-
ver, Pa. 201

WANTED—Two rooms on Main
street for office and waiting room.
Must be on first or second floors. Also
cottage with modern improvements in
good neighborhood and on level with
square. Address at once, "X. Y. Z.,"
Reformer office. 200-201-1f

FOR SALE—All kinds of dry wood.
E. A. Larrow. 193-1f

FOR SALE—Dry stove wood. E. E.
Mather. Tel. 19-5. 157-1f

ATTY. PIPER SAYS SECOND DEGREE

Interprets the Grand Jury's Indict-
ment Against L. A. Foster—
Does Not Find Premeditation.

Late this afternoon, since the preparation of the article in another column on this page relative to the indictment in the case of the state against L. A. Foster for shooting Ossie Prouty in Halifax October 16, State's Attorney A. V. D. Piper informs The Reformer that he interprets the indictment as for murder in the second degree.

Inasmuch as Mr. Piper was present at the session of the grand jury and assisted in presenting the evidence his interpretation ought to reflect pretty conclusively the sentiment of the jury. "You will notice," Mr. Piper said, "that the words 'with premeditation' are not in the indictment, which would be necessary to make it an indictment in the first degree."

DEATH YESTERDAY OF FRANK E. FULLER

Formerly Was Employed at Con-
necticut Insane Hospital and Later
Had Oil Route in This Town.

Frank Eldridge Fuller, 39, died yesterday afternoon at 3:15 o'clock at his home, 9 South Main street, of tuberculosis. Mr. Fuller was obliged to give up work May 30 and had failed rapidly since that time.

He was born in East Plainfield, a son of Mr. and Mrs. Henry Fuller, and lived during his early life in that town and in Hartford. For a time he was employed in the Connecticut insane hospital at Middletown, Conn., and later for three years conducted an oil route in Brattleboro, eventually disposing of it to George F. Whitney.

After selling the oil route Mr. Fuller returned to Middletown, where he was placed in charge of the kitchen in the north building of the state hospital. Mrs. Fuller was employed in the capacity of housekeeper at the same place and they remained there five years, until May 30, when Mr. Fuller was forced to give up employment. He returned to Brattleboro in the hope that a change of air and a rest would restore his health.

He was a member of the Old Fellows, the Knights of Pythias and the Ancient Order of United Workmen in Middletown. He leaves, besides his wife, one sister, Mrs. M. E. Tolbert of East Plainfield, and two half brothers, George of Hartford, Conn., and William of Lowell, Mass.

The funeral will be held Tuesday afternoon at 2:30 o'clock in the home, Rev. D. E. Trout officiating, and the burial will take place in Brattleboro.

GREENFIELD GAME POSTPONED TODAY

Heavy Rain Made it Necessary to Can-
cel Date with Brattleboro High—
Rutland High Next Week.

The game scheduled to be played at Greenfield this afternoon between the high school team of that town and Brattleboro high, was postponed because of heavy rain. No date has been set for the game. The next game for Brattleboro will be next Saturday afternoon at Island park with Rutland high.

BATTLESHIPS LEAVE.

Pick of Our Navy Going to Mediter-
ranean—Sailed from Hampton Roads.

MONROE, Va., Oct. 25.—The pick of our navy, messengers bearing the flag and power of the United States, left the shores of America today for the Mediterranean. All of the ships were grim in appearance in their dull gray sea cloaks. Rear Admiral Charles J. Badger is in command of the fleet, which includes the following vessels: Utah, Florida, Arkansas, Delaware, Vermont, Connecticut, Kansas and Ohio, the pick of the navy. The ceremonies attending the sailing of the fleet were formal, Assistant Secretary of the Navy Roosevelt bade the commanders farewell and as each warship passed out to sea farewell salutes were fired.

OXFORD LINEN MILLS BANKRUPT

Liabilities of Massachusetts Concern
Are \$200,000.

BOSTON, Oct. 25.—The Oxford linen mills, a \$2,000,000 corporation of North Brookfield, was adjudged bankrupt by Judge Norton in the United States district court yesterday on recommendation of C. E. Alrich of Worcester, the referee in bankruptcy. The liabilities are estimated at \$200,000. The company was petitioned into bankruptcy by creditors several months ago and has since been in the hands of F. X. Dewey and A. G. Buttrick as receivers. Officers of the company contend that the assets exceed the liabilities and it is said they intend to appeal from the decision of the court.

WHAT DID THE JURY INTEND?

Strong Indications That a
Second Degree Verdict
Was Contemplated

PREMEDITATION IS NOT AVERRED

Indictment Against Foster Lacks the
Two Words which Always Have Been
Associated with First Degree Mur-
der — Attorneys Disagree.

The degree of murder for which a conviction would be possible under the indictment found by the special grand jury in the case of the state against L. A. Foster, charged with killing Ossie Prouty of Halifax, continues to be a subject of animated discussion in legal circles, and the question gives promise of interesting developments.

Inasmuch as the jurors are enjoined to secrecy as to their proceedings, it is of course not possible to obtain a statement from them as to what indications, if any, they intended to have in the indictment — whether they intended to make it a first degree indictment or one of second degree. The prosecuting officers, State's Attorney A. V. D. Piper and Attorney General E. D. Brown, likewise are not saying anything, presumably because of the middle that has arisen.

The indictment itself, however, is a matter of public record and offers a basis of speculation, and the possibilities under it as it now stands are a matter of disagreement among the lawyers. There are some facts, however, concerning which there is no secret, which makes it apparent that the grand jury did not intend to return a first degree indictment, but rather intended to limit it to an indictment in the second degree.

The indictment reads that the jury finds that on Oct. 16 Foster killed and murdered Prouty "with force and arms, feloniously, wilfully, deliberately and with malice aforethought." As stated in a previous issue of The Reformer, Judge Miles in making his charge defined the various degrees of murder. From the statement given out as soon as the indictment was found, to the effect that it was for murder in the second degree, it is reasonable to suppose that the jury understood, following the judge's charge, that they were expected to have the indictment cover some specific degree, and it is also reasonable to suppose that the wording of the indictment was done by one of the state officers, the juryman being laymen, and that whoever drew it expected it to cover a second degree charge.

It will be noted that the words "with premeditation," which have also been so inseparably connected with the idea of murder in the first degree, do not appear in the indictment.

A definition of the degrees of murder is given in section 5,393 of the Public Statutes, which reads as follows: "Murder; degrees defined. Murder committed by means of poison, or by lying in wait, or by wilful, deliberate and premeditated killing, or committed in perpetrating or attempting to perpetrate arson, rape, robbery or burglary, shall be murder in the first degree. All other kinds of murder shall be murder in the second degree."

The foregoing very strongly indicates that the jury intended to indict Foster in the second degree and supposed that they were doing so. On the other hand it is pointed out that the indictment follows the statute covering indictments, which does not prescribe the use of the words "with premeditation."

The statute which prescribes what an indictment must show is section 2268 of the Public Statutes and reads as follows: "In an indictment for murder or manslaughter, the manner in which or the means by which the death of the deceased was caused need not be set forth, but it shall be sufficient in an indictment for murder or manslaughter to charge that the respondent did feloniously, wilfully and of his malice aforethought 'kill and murder the deceased, and in an indictment for manslaughter to charge that the respondent did feloniously kill and slay the deceased."

Some lawyers argue that unless section 2268 can be shown to be faulty the indictment as it now stands would permit a conviction in the first degree, provided the evidence warranted. Whether it is faulty or not is a question that may come before the supreme court. One local lawyer of high rank has expressed it as his opinion that a conviction of murder on the first degree would not stand under the indictment as it is now worded.

Whatever one's deductions from the wording of the indictment or from the opinion of lawyers, the strongest evidence that the jury intended to find an indictment in the second degree is the fact that within a very short time after it was signed and before the public had an opportunity to see it the statement was made that it was for murder in the second degree, which was so understood by various officials and lawyers around the court house, and that it was not until the next day that any contrary statement was made.

WESTMINSTER WOMEN ORGANIZED SOCIETY

Miss Florence M. Hemenway of This
Town Gave Talk on Missionary
Work—Mrs. Ranney President.

A Congregational home and foreign missionary society was organized in Westminster yesterday following a talk by Miss Florence M. Hemenway of this town. Miss Hemenway went there in the afternoon and met 70 women in the Congregational parsonage, the home of Rev. A. E. B. Ward, and gave a talk on Our Task and Our Resources for Its Accomplishment. A society was organized to include all the women of the parish, to meet the fourth Friday in each month, but on account of Thanksgiving the next meeting will be held the third Friday in November. These officers were elected: President, Mrs. A. M. Ranney; vice president, Mrs. A. E. B. Ward; secretary, Mrs. Laura Ranney; treasurer, Mrs. Carrie Nutting.

DISTRICT MEETING WITH SEDGWICK CORPS

More Than 70 Visitors in Grand Army
Hall—Brattleboro Corps Exem-
plified Work of the Order.

The meeting of district No. 9 of the Woman's Relief corps was held in Grand Army hall yesterday with more than 70 visitors present from Hollow Falls, Springfield, Putney, Londonderry, Jamaica, Newfane, Castleton, Alstead and Keene, also one honorary member, L. W. Bush of Brookline. Dinner was served by Dennis Rebekah Jones in Old Fellows' hall. Mrs. Arnes Beach of Burlington was the inspecting officer.

The address of welcome was given by Mrs. Stella Elmer of Brattleboro, with response by Mrs. Nellie Brown of Hollow Falls. Remarks were made by Mrs. Beach, Mrs. P. M. Hamilton of Keene, Mrs. L. W. Bush of Brookline, Mrs. Anna Howard of Jamaica and Conrad Bush of Brookline. The Brattleboro corps exemplified the work of the order.

Sedgwick Woman's Relief corps now numbers 160, three new members being initiated yesterday. In spite of the rain it was a very enjoyable occasion.

THREE LEVELS ON VERNON STREET

Original Level Occupied by First
Tracks Laid—Steam Shovel Has
Now Reached Lowest Point.

There are now three levels on the Vernon street job. On what was originally Vernon street for the greater part of the distance are the first tracks laid by the Holbrook, Cabot & Rollins corporation, but the trestle at the Bridge street end has been partially removed and the derrick that has been doing there for weeks has been taken down and removed to another location.

The next lower level leads up to the top of the barrier of ledge as yet holding against the assaults of the steam drills and dynamite and on this a steam traveling crane and machines engaged in drilling deep holes are busy.

The steam shovel has reached the lowest level and that which is eventually to be the level of the street at the southern end of Vernon street and is steadily eating its way along.

SEASON'S BANNER AUDIENCE.

Peg O' My Heart Company Gave De-
lightful Performance Last Night.

The largest audience that has gathered in the Auditorium this season attended the performance of Peg O' My Heart last evening and was delighted by the excellence of the production. The story of this comedy, the title role of which was created by Miss Laurette Taylor has been told in detail in previous issues of The Reformer. It is a play that depends in large measure on the ability of the leading woman, who in the company that appeared here was Miss Blanche Hall. That she fulfilled the requirements in every way is the opinion of all who saw her last night. It may also be said truthfully that every other member of the company contributed his or her share to the distinctly favorable impression which the production created.

Referring to the Halifax tragedy,

TOLD STORY OF HER LIFE

Defendant, Mrs. Jennie May
Eaton, Witness at Trial
in Plymouth

THREE MAIDS WERE DISCHARGED, SHE SAID

Because of the Admiral's Attentions
To Them and He Also Offered
Indignities to the Witness's Daugh-
ter, June—Often Intoxicated.

PLYMOUTH, Mass., Oct. 25.—The appearance of the defendant on the stand today brought to a climax the trial of Jennie May Eaton, charged with causing the death of her husband, Rear Admiral Joseph G. Eaton, by the use of poison.

She was followed by William M. Gammons of Springfield, an insurance official, who testified regarding the Admiral's policies and loans thereon. Answering questions of her attorney, William A. Morse, Mrs. Eaton told the story of her life from the time of her birth in Alexandria, Va., 39 years ago. She told of the financial troubles of her first husband, Dr. H. Ainsworth, who was finally reduced to selling books in the West, where they had gone in the hope of benefitting the younger daughter, Dorothy, who was lame.

She was with the Admiral's first wife when the latter died in Washington. Later she attended the Admiral because of his intoxicated condition. Because of his condition the Admiral was unable to attend the funeral of his first wife. The witness was married to Eaton in Boston in July, 1906. They took a house in Brookline and for eight months lived elaborately. She was forced to discharge three maids, she said, because of the Admiral's attention to them. He also offered indignities to her daughter, June, and when the witness remonstrated he said he did not know what he was doing. Later they took a little farm at Assinippi in the hope of recouping their fortunes.

PRESIDENT DROPPED CIVIL SERVICE BARS

Widow of Surgeon Geddings Will Be
Given Position Without Taking
Examinations.

WASHINGTON, Oct. 25.—In recognition of service rendered the government by her husband President Wilson today let down the civil service bars for Mrs. Mary P. Geddings, widow of the public health service. Dr. Geddings was a pioneer in the yellow fever investigation tour. The position sought by his widow is not any of the customary formalities.

OBJECTION TO B. & M. BOND ISSUE

Papers Filed Today by Former Govern-
or Bulkley of Connecticut for
Himself and Others.

BOSTON, Oct. 25.—The legality of the action of the public service commission in permitting the New Haven railroad to issue \$67,000,000 in convertible bonds will be determined by the supreme court, on an appeal filed today by former governor Morgan Bulkeley of Connecticut, on behalf of himself and other stockholders.

EXAMINING B. & M. ROAD.

Railroad Doctor Visits Greenfield and
Other Points.

BOSTON, Oct. 24.—President Samuel M. Felton of the Chicago Great Western railroad — known throughout the country as the railroad doctor — went to Portland, Me. last night in connection with his tour of examination of the Boston and Maine railroad to determine the exact conditions of the property. President Felton began his inquiry yesterday at Mechanicville, N. Y. Yesterday, accompanied by President Norris McDonald of the road, he went over the rolling stock in the yards at White River Junction, Greenfield and Fitchburg. The investigation will occupy three weeks, and the report Mr. Felton will submit to the road's directors is expected to be the most thorough ever made of the Boston & Maine.

SLIGHT EARTHQUAKE.

Windows Rattled in San Francisco.
This Morning.

SAN FRANCISCO, Oct. 25.—A slight earthquake, apparently traveling from the west to the east, rattled windows here early this morning. No damage is reported.